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Application No.: 10/820,601

Docket No.: JCLA12197

**REMARKS****Present Status of the Application**

The Office Action rejected claims 9 and 10 under 35 U.S.C. 103(a), as being unpatentable over Komatsu (U.S. 6,380,053). The Office Action also rejected claims 11-14 under 35 U.S.C. 103(a) as being unpatentable over Komatsu (U.S. 6,380,053) in view of Liaw (U.S. 6,448,140). Applicant believes that claims 9-14 are already distinguished over the cited arts. For the reasons set forth below, Applicant respectfully requests reexamination and reconsideration of the present invention as a whole. Applicant also respectfully requests that the rejections be withdrawn.

**Summary of Applicant's Invention**

The Applicant's invention is directed to a semiconductor device. As shown in Fig. 1F of the invention, the semiconductor device possesses an offset oxide layer 124 in the substrate adjacent to a portion of the substrate covered by the gate structure, the oxide spacer 118 and the spacer 120. More specifically, the bottom surface of the offset oxide layer is lower than the bottom surface of the gate dielectric layer of the gate structure.

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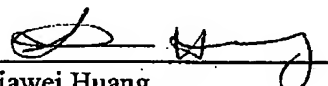
**CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 9-14 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,  
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